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REMARKS

This Amendment is made in response to the Final Office Action dated October 19, 2001. The undersigned will respond to each of the objections and/or rejections by the paragraph number used in the outstanding Office Action. A Request for Continued Examination accompanies this Amendment, thus permitting the full consideration of this Amendment.

With reference to paragraphs 4 and 5, Applicants' respectfully traverse and request reconsideration to the rejection of claims 37 and 38 as being indefinite under 35 U.S.C. Section 112, Paragraph 2. By this Amendment, claim 37 now depends on claim 34, which provides the required support for the recitation of "offering for sale on said secondary market" in claims 37 and 38.

In response to paragraphs 6, 7 and 8, Applicants respectfully traverse and request reconsideration of the rejection of claims 33-41 and 43-69 as being variously obvious over the combination of U.S. Patent No. 5,845,265 of Woolston and an article entitled, "The Railroad Telegraph". Applicant's independent claim 33 recites a step a) of communicating an initial offer of a predetermine number of collectibles to potential purchasers and a step b) of receiving orders from the potential purchasers, each indicating the number of collectibles ordered by the purchaser. The undersigned respectfully traverses the Examiner's assertion that the Woolston patent teaches "communicating -- an initial offering for sale to purchasers (of a predetermined number) of collectibles", relying particularly on Col. 3, L 25-30. The undersigned has carefully reviewed the cited portion of Woolston without finding any teaching of the predetermined number of collectibles. Claim 33 further recites in step c) summing the number of collectibles designated in each of the orders received from the potential purchasers to provide a total number of ordered collectibles and in step d) determining whether the number so totaled has a particular relation, e.g., is greater than, to the predetermined number of offered collectibles and, if so, allocating the collectibles to selected of the ordering potential purchasers. To supply a teaching of steps c) and d) the Examiner admits that this reference "fails to teach step c) (now d) of determining whether the number of ordered collectibles exceeds the predetermined number of offered collectibles"

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and instead relies on the Telegraph article for such missing teaching. In particular, the Examiner relies on the following single, limit passage of this article: "Quantities are VERY limited and subject to further allocation." The undersigned has reviewed with care this article and respectfully asserts that the Telegraph article fails to teach the summing of collectibles from each received orders from the potential purchasers to provide a total number and then comparing the totaled number with predetermined number of collectibles offered on the initial offering as recited respectively in steps c) and d) of claim 33. In view of the above argument, the undersigned respectfully asserts that independent claim 33 and claims 34-38, 41 and 43-48 dependent therefrom are unobvious over the Woolston patent and the Telegraph article whether taken alone or in combination with each other.

Independent claim 49 and claims 50 - 57 have been amended to delete the recitation of determining whether the total number of ordered collectibles exceeds the predetermined number of collectibles to effect the collectibles allocation. Rather these claims are directed to a method of operating a server including the step a) of providing at the server a purchaser history database, b) offering collectibles for sale, c) receiving orders from the potential purchasers, and step d) of creating in response to a received order an account for its potential purchaser for including a record of the purchasing activity of its purchaser. Woolston discloses, as noted by the Examiner, creating at least one account in the purchaser history database that includes "purchase records for a used good" and permits a node participant to search the "purchase records for a particular collectible" (see Col. 3, L 53-57 and Col. 7, L 1-4 and 30-32). Woolston teaches permitting a node participant to search for a particular used good, and not, as recited in claims 49 - 57, a method of operating a server and creating a purchaser history database by responding to the receipt of an order of a potential purchase to create a record of the purchasing activity of its purchaser. The undersigned respectfully but strongly asserts that Woolston is silent as to the manner constructing of applicants' database.

The undersigned respectfully asserts that the Examiner's rejection of claims 58-61 based on the same rationale as the rejection of claims 49-57 is inappropriate for several reasons. First as explained above, independent claim 49 recites the construction of a database in response to receiving collectible orders from potential purchasers, whereas

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independent claim 58 recites a server that is programmed to process orders from potential purchasers to determine the number of ordered collectible, before then determining whether the number of collectibles exceeds the predetermine number of offered collectibles. As explained above in greater detail with respect to independent claim 33, neither the Woolston nor the Telegraph article teaches such processing and comparing of the order number and the predetermined number of collectibles to initiate the allocation of the collectibles among the potential purchasers.

In contrast to the teachings of Woolston and the Telegraph article, independent claim 62 and claims 63 - 68 dependent therefrom, and independent claim 69 all relate to a method of offering uncirculated collectibles for sale on primary and secondary markets and, further, maintaining the uncirculated collectibles in a protective environment whereby the collectibles are kept in their uncirculated condition. In particular, these claims recite the step of providing each successful purchaser the choice of keeping their collectible in the protective environment or to have them sent to their purchasers or offered for sale on the secondary market. In his rejection of these claims, the Examiner has failed to analyze these claims in terms of maintaining the collectibles in the protected environment, much less identifying where in the Woolston or Telegraph article he finds such teachings. In particular, the undersigned respectfully asserts that these references are silent as to providing the recited protective environment much less providing a successful collectible purchaser the choice of keeping its collectibles in such an environment or of offering them for sale on the secondary market.

Applicants appreciate the indication that claim 42 would be allowed if rewritten to include the recitations of claim 42, the base claim and any intervening claims. Applicants submit by this Amendment new claim 78 which includes the recitations of claim 42, base claim 33 and the intervening claim and is deemed to be allowable.

In view of the above discussion, Applicants respectfully assert that all of the objections and rejections have now been removed, and that this application is in condition for allowance, which action is respectfully requested. If the Examiner is unable to pass this

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application to allowance, he is requested to place a telephone call to the undersigned to suggest these changes that will readily bring this application to allowance.

Respectfully submitted,

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